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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,463	05/15/2001	Miska Hannuksela	059341-0250	8071

27433 7590 09/25/2006

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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/854,463	HANNUKSELA ET AL.	
	Examiner	Art Unit	
	Erick Rekstad	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 15-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,15-20,23-25,28-33 and 45-51 is/are allowed.
- 6) ☒ Claim(s) 21,22,26,27,34-44 and 52-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/8/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a second Non-Final Rejection for Application no. 09/854,463 in response to the amendment filed on June 5, 2006, wherein claims 1, 2, and 15-62 are presented for examination.

Response to Arguments

Applicant's arguments, see Pages 14-18 filed June 5, 2006, with respect to claims 15-62 have been fully considered and are persuasive. The rejection of claims 15-62 has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21, 22, 26, 27, 34-44, and 52-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims do not require that the error concealment method indicator originates from the encoded video signal. The specification only supports the use of an error concealment method indicator located in the encoded video signal. The specification does not support the decoder identifying an error concealment method indicator outside of the encoded video signal. It is suggest by the examiner to amend the claims 21, 26 and 27 by replacing "error occurs" at the end of the claims with

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"error occurs, wherein the decoding method identifies the encoding mode indicator and separate error concealment method indicator from the encoded video signal".

Claims 22, 34-39, 41-44, and 52-62 are rejected as being dependent on the rejected claims 21 and 26.

Allowable Subject Matter

Claims 1-2 and 15-20, 23-25, 28-33, and 45-51 allowed.

The following is an examiner's statement of reasons for allowance:

In regards to claims 1 and 2, the claims pertain to a novel method for coding video that the examiner was unable to find in several prior art searches. As noted in the previous office action, dated June 14, 2005, the claims define over the combination of the prior art of Choon (US Patent 5,410,553) and Reed et al. (US Patent 6,351,493).

The claims further teach over 'Concealment techniques for data-reduced HDTV recording' by Kharatichvili et al. Kharatichvili teaches a HDTV encoding and decoding process for recording on a VCR wherein a mode decision flag is added to the bitstream for controlling error concealment during the decoding process (Pages 178-179).

Kharatichvili is silent on the use of H.263 encoding format and the inclusion of the error concealment indicator in the Supplemental Enhancement Information. These features taken with the others in the claims define over the prior art.

In regards to claims 15, 23, and 28, Kharatichvili teaches the use of an encoded video signal indicator but is silent on the use of a separate error concealment method indicator which is provided in the encoded video signal. This feature taken with the others in the claims define over the prior art.

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In regards to claims 19, 35, 46, and 53, Kharatichvili is silent on the use of H.263 and the inclusion of the error concealment indicator in the Supplemental Enhancement Information. This feature taken with the others in the claims define over the prior art.

In regards to claims 29, and 47, Kharatichvili and Reed are silent on the use of the indicator as a "scene identifier associated with the scenes, the scene identifier having the same value for all pictures of a scene, the scene identifier having a different value for each different scene" as required by claims 29 and 47. These features taken with the others in the claims define over the prior art.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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